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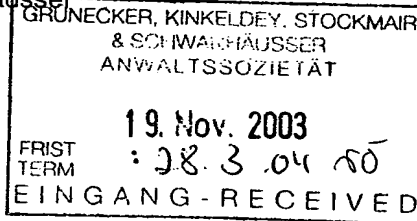
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Application No. 99 956 809.0 - 2107	Ref. EP 21173-065/zp	Date 18.11.2003
Applicant KIMBERLY-CLARK WORLDWIDE, INC.		

**Communication pursuant to Article 96(2) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).**



FEY-LAMPRECHT F  
Primary Examiner  
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)



Datum  
Date 18.11.2003  
Date

Blatt  
Sheet 1  
Feuille

Anmelde-Nr.:  
Application No.: 99 956 809.  
Demande n°:

The examination is being carried out on the **following application documents**:

Text for the Contracting States:  
DE FR GB

**Description, pages:**

1-12 as published

**Claims, No.:**

1-30 as received on 11.04.2001 with letter of 11.04.2001

The following documents (D1-D3) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: EP-A-0 793 971

D2: EP-A-0 019 371

D3: WO 96 40300

The following documents (D4-D6) are cited by the examiner (see the Guidelines, C-VI, 8.9). Copies of the documents are annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D4: WO 9810134

D5: WO 9809662

D6: WO 9912505 (document-P)

**1. Amendments**

The amendments filed with the letter dated 11.04.2001 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC.

The amendments concerned are the following:

-claims 1,7, 26 and 30: "and combination thereof"

-claims 12-15, 18-22 and 25: "soluble".

No basis has been found in the description for these amendments. Therefore, the followed examination will be based on the new claims **without** the two mentioned amendments.



## 2. Clarity

The application does not meet the requirements of Article 84 EPC, because new claim 18 is not clear. The wording of the claim makes the category of the claim unclear. The applicant is asked to clarify this point (Guidelines C-III, 4.1).

## 3. Novelty

The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claims 1, 4-7, 10-13, 16-19, 25-30 is not new in the sense of Article 54(1) and (2) EPC.

If the same components are present in a composition or an article, it can be expected that the properties of the articles are the same (for example the agglomerating and lysing effect if contacted with blood). It is indifferent if the active compound is named a coagulant, a surfactant or a fluid treatment agent.

**D1** describes absorbent articles comprising a coagulant dispersed in the article, a backsheet, an absorbent core and a topsheet. D1 discloses claims 18 and 26, 27, 29 and 30 (see col.2, line 52 to col.4, line 40).

**D4** describes spunbonded non-woven fabric and personal care articles treated with a stable emulsion comprising a viscosity modifier (alkyl polyglycoside: Glucopon 220 (5% to 80%)). The composition can contain a superabsorbent material and the substrate is porous (see p.2, l.18 to p.3, l.3, p.7 l.21 to p.8, l.14 and the claims). Therefore, D4 discloses claims 1, 4-6, 12, 13, 16, 17, 26, 27 and 29.

**D5** describes personal care products (napkin) comprising a synthetic substrate containing a viscoelastant (alkyl polyglycoside) to be in contact with menses. The viscoelastant is in a quantity of between 0,1 and 5% and the article is a spunbond nonwoven. The sanitary napkin contain a cover, a backing and an absorbent containing the viscoelastant for altering the viscosity and/or elastic properties of a viscoelastic fluid (see p.3, l.9 to p.4, l.10, p.14, l.10 to p.15, l.31, p.22, l.21 to p.24, l.3 and claims). Therefore, D5 discloses claims 1, 4, 5, 7, 10-13, 16, 17 and 25-28.

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Date 18.11.2003  
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Sheet 3  
FeuilleAnmelde-Nr.:  
Application No.: 99 956 80  
Demande n°:

The European patent application **D6** published on 18.03.1999 claims the priority date of 11.09.97.

Its content as filed is therefore considered as comprised in the state of the art relevant to the question of novelty, pursuant to Article 54(3) and (4) EPC. This earlier application shows: absorbent articles (tampons, wound dressings, bandages) containing surface active agent (PPG-5-Laureth-5, Laureth-4) (see p.3, l.20 to 25, p.14, l.1 to 4 and claims).

Thus, it is prejudicial to the novelty of the subject-matter of claims 26 and 30 of the present application insofar as the same Contracting States are designated.

#### 4. Inventive step

The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claims 2, 3, 8, 9, 14, 15 and 20-24 does not involve an inventive step in the sense of Article 56 EPC.

Dependent claims 2, 3, 8, 9, 14, 15 and 20-24 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to inventive step, since the features of pore size, profile of pore distribution, addition of superabsorbent, specific lysing or agglomerating agents are merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

Additionally, if novelty could be acknowledge, documents D1 to D5 would be prejudicial for claims 1, 4-7, 10-13, 16-19 and 25-30 in respect of inventive step.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based. If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.